

### Remarks and Arguments


Applicant and applicant's attorney thank the examiner for his time during a personal interview conducted on August 8, 2005. During that interview, a slide presentation was made outlining the operation of the inventive system and illustrating the commercial success of the system. Upon the examiner's request, a printout of that slide show is attached. This printout contains the slides originally presented at that interview but has been modified to eliminate confidential information of the applicant and its clients. If additional material is required, the examiner is requested to contact applicant's attorney at the number listed below.

The accompanying response to requirement for information provides information that was requested by the examiner at that interview, including the product timeline, prior art references discovered during searches and articles authored by the applicant.

Based on the discussion at the interview, new claims 48-52 have also been provided. These claims are limited to a specific application to which the invention has already been successfully applied.

In light of the forgoing amendments and remarks, this application is now believed in condition for allowance and a notice of allowance is earnestly solicited. If the examiner has any further questions regarding this amendment, he is invited to call applicants' attorney at the number listed below. The examiner is hereby authorized to charge any fees or direct any payment under 37 C.F.R. §§1.17, 1.16 to Deposit Account number 02-3038.

Respectfully submitted



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Date: 10/31/05

*the workplace HELPLINE®*

Boston, Massachusetts

*United States*

*Patent & Trademark Office*

*Alexandria, VA*

# First... who is HELPLINE?

- Nearly 95% of HELPLINE's business has been in the Financial Services sector (insurance, payroll, banking etc.) where our services are "built into" insurance products & programs as Loss

## Control and Risk Management.

### Our core competencies are providing:

- Answers to insureds' specific questions
- A "one-stop" solution for Programs, Administrators & Assoc.
- Marketing support to producer and agent network
- Unique data and loss control solutions to Financial services companies as well as Publishing and software

### Our insurance client list:

- Syndicates at Lloyds of London
- Acordia
- Catholic Mutual Group
- Care Providers Services
- Insurance Services Office
- MIRMA, MIRMA and SAIF
- US Risk
- CPA Mutual RRG
- National Specialty Underwriters
- ACE USA

# *the workplace HELPLINE®:*

## *Our Mission*

*To help companies, association members and organizations, no matter what their size, meet their specific workplace challenges by providing Advice and Counsel with Employment Attorneys*

*HELP is just a phone call or click of the button away!*

# What are HELPLINE's current Services?

- Premium access to HELPLINE employment law attorneys to provide to answer a private company, public sector entity and non-profit's specific Human Resource and Employment law questions.
- *HELPLINE gives documented HR and employment law legal advice, no one else does!!*

# *Components of HELPLINE's USPTO Application & Commercial Success?*

- Personnel from Workplace Resources Office
- Database Technology
- Seamless access to Specialist Experts

# *Facts about HELPLINE's current clients...*

- Include thousands of governmental organizations, private sector, non-profit and employing 300,000
- HELPLINE client companies range from less than 10 employees to more than 5,000...reinforcing that all sizes of organizations use these services (from more than 15 to 30 times the industry standard)
- 86% are internet connected and 75% of the questions come in from insureds via the internet

# HELPLINE Services (Each Company)

## Components Included with Each Company:

## Team Member

1. Toll-Free HR HELPLINE (2 contacts per Company)

HELPLINE

2. Private-Branded On-line Resource Station

HELPLINE

3. Monthly *HR Express Updates*/HR Alerts

HELPLINE

4. Copy of ELLA - 5 sections

Laurdan

5. Personnel from workplace resources office

HELPLINE

## Components Included for the Financial Services Company:

6. Database & Data Reporting

HELPLINE

7. Private-Branding and Back Office Support

HELPLINE

8. Training for Underwriters & Agents & Association

ALL



# *What do the Personnel from the workplace resources office do?*

They are the critical component to the commercial success of HELPLINE by establishing contact with users, These personnel:

- Send out a private branded “Heads Up” fax alerting users to a call
- Call them and secure, confirm and update user company information that is critical to the experts answering their legal questions.
- Educate them on the services and the value to their company
- Answer any questions, help change access codes, etc.
- Connect them to the experts (attorneys) if they have questions
- Follow-up with an immediate summary e-mail confirming the services and their access points
- A month later, reminder letters (private branded to the Financial Services Company) and stickers for their phone/computer are sent
- Bounce-back calls and continuum of service delivery

## *Why is this unique and not obvious?*

Because of the significant liability in providing documented legal advice without ever meeting the user and relying on the key HELPLINE elements to render such legal advice, others wouldn't even consider using our methodology and technological approach.

*Let's take a look at one example of  
how these methods, this technology  
and resources are deployed!!*

*...and how they all work together to  
create commercial success!*



the  
workplace  
HELPLINE

Home Services Ask Questions HR Alert Question of Month Case of Month Edit Info Contact Us

### Please enter your User Name and Password:

User Name:

Password:

[Forgot your password?]

☐ Remember me (Note: If this is a Shared Computer, you may want to uncheck this box.)

by logging in you agree to the terms and conditions of our Services Agreement.

Welcome to HELPLINE Services for CEO's, HR Directors, and Management Staff.

Staff hiring, training and retention are critical components in the delivery of services. Harassment, discrimination, wrongful termination actions, fraud, theft and violence, however, can cost your organization valuable time and money.

HELPLINE recognizes the complex human resource and employment challenges that confront organizations daily. Whether you have Human Resource staff or not, HELPLINE services can help keep you up to date with expertise when and where you need it!

### PROFESSIONAL SUPPORT SERVICES INCLUDE:

#### Toll-Free Employer HELPLINE:

Telephone consultation access to Employment Law Attorneys from the national employment law firm of **Eastlin, Barker & Grain PC (EBG)** who help organizations deal with issues ranging from basic regulatory/compliance concerns, to policies and procedures, as well as complex personnel situations. Personalized attention to your organization's unique questions and issues is provided, and all communications are strictly confidential. A no later than the end of the next business day response time will be provided on all questions. HELPLINE is not a substitute or replacement for your own Human Resource department or attorney. Access is available for one manager/supervisor from the policyholder organization throughout the annual services period, Monday - Friday, from 9 a.m. to 5 p.m.

#### Briefcase & HR Law Library (Including on-line access to Employment Attorneys):

The Briefcase & HR Law Library contain state of the art content that is provided by CCH Knowledgepoint, the leading publisher of legal, HR, tax and Employment Law information in the United States. Using the login above, you can gain access to a comprehensive resource station that includes up to date Federal and State specific law changes, template letters, recent court rulings, forms and checklists. Five total users from your organization can have access to these resources and ask the Employment Attorneys your unique questions via e-mail at the click of a button!

#### Monthly HR Express Updates & HR Alerts:

These human resource updates are provided to the 5 designated users within your organization via e-mail. The objective is to help keep continuously changing workplace issues and regulations up in front of you. Each update contains an interactive Question and Case Digest of the Month, Federal and State specific law changes, as well as other valuable HR information. In addition, HR Alerts are sent out whenever a hot HR topic arises in the news.

*We can provide brand or co-brand the site and these services to the client (Insurer, Payroll Company, Bank, Publisher, Software Company) strengthening their value proposition without the responsibility or liability of providing the service!*

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Welcome John to HELPLINE's website! Use the links above to navigate this site or access information below from your customized home page.

<p><b>Contact Information:</b> User: generaldemo Title: Test Phone: (555) 555-5558 Fax: (555) 555-5555 Email: hnpupdate@helpline.com Address: Test, NY 11111</p> <p><b>Client Information:</b> No client information</p> <p>[ update your information: ]</p>	<p><b>Recent Additions to:</b></p> <p><b>HR Alert:</b> <i>The Fourth Circuit Holds That Employees Cannot Waive Family And Medical Leave Act Rights Without Prior Department Of Labor Or Court Approval</i></p> <p><b>Question of the Month:</b> <i>Hiring Practices - How to avoid common EEOC violations when posting job openings</i></p> <p><b>Case of the Month:</b> <i>Safety - Two model plans with steps on how to handle a crisis or emergency in your workplace including advance planning, resuming operations more quickly, and protecting employees during emergency situations.</i></p> <p><b>Insurance Agent Information:</b> John Smith ABC Agency, Inc. 1294 Main Street AnyTown, GA 12345 (800) 999-9999 x 4540 (999) 888-1122 (fax) www.youragentswebsite.com (This will be a hyperlink)</p>
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*This is the user's home page that securely stores all calls, e-mails and responses by specialists. This is the documentation that they can continuously review.*

*This home page has other resource and contact information!*

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Services

Have a Human Resource question?

- Simply fill in the Subject and Question below, and click "Submit Question" OR
- Call our Employment Attorneys toll-free at 1-888-XXX-XXXX Monday through Friday 9am - 5pm

The following is the email address we have on record:  
**Current email:** hrupdates@hrhelpline.com

If this email address is not correct, please update it now without a correct email address, we will not be able to send you a response.

John, Please insert a "subject" and "question" then click "submit".

Subject:

Question:

Please note this is for DEMO purposes only!

250 Characters Remaining2000 Characters Remaining

Library

HR Express Updates

Federal Law Changes

State Law Changes

Sample Policies

Additional

Handbook Reviews

Oncite Training

Employment Screening

Risk Management Audits

Done

75% of all requests for HELP from users come via the websites. Users can be connected to multiple types of experts in one place to answer their specific questions with specific answers, a 360° solution!

*Now what happens on the  
“Specialists Expert side” of the  
Database to answer a User’s  
question?*

*First... Who are the current experts?*

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Epstein Becker & Green, P.C. - Monday, 1 August 2005

**WELCOME**

Epstein Becker & Green is a general practice law firm with more than 375 lawyers in the United States. In addition to affiliates worldwide, EBG serves clients in virtually every industry and service sector.

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**ICN**  
International Lawyers Network

**UPDATE**

**ALERT: Employment Reference Can Lead to Liability** 1 per

**ALERT: The California Supreme Court Holds That "Favoritism" Supports Claim For Sexual Harassment** 1 per

**ALERT: New 401(k)403(b) Plan Design Feature Available for 2006: After-tax Roth Contributions** 1 per

**Houston's Top Lawyers 2005** 1 per  
*H Texas Magazine, July 2006*

**ALERT: Connecticut Passes New Laws Affecting Employers: Increase in Minimum Wage; Sales Commissions; Mobile Phone Restrictions; Coverage of Infertility Treatments** 1 per

See More . . .

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# *How do specialists answers user's specific questions, not canned responses or from an "escalatory database of prepackaged Q & A?*

- Step 1: Login to Database & view Incomplete Calls/Emails
- Step 2: Make Pending if in process, but waiting on call back, etc.
- Step 3: View Warnings, Data, & Previous Questions. Insert Subj.
- Step 4: Add a Question
- Step 5: Access Response Wizard including tagging the issues raised in the question and providing a specific answer to the User's question
- Step 6: Sending the response including *Did we answer your question* capability to provide a closed loop for the user to get their question answered.

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**Services**

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**Latest HR Express Updates:**

**Question of the Month:**  
**Hiring Practices - How to avoid common EEOC violations when posting job openings**

**Case of the Month:**  
**Waiver - Turn model plans with 2002 on how to handle a crisis or emergency in your workplace including advance planning, returning operations more quickly, and protecting employees during emergency situations.**

**HR Alert:**  
**The Fourth Circuit Holds That Employees Cannot Waive Family And Medical Leave Act Rights Without Prior Department of Labor or Court Approval.**

**Federal Law Changes:**  
**Click Here!**

**State Law Changes:**  
**Click Here!**

**Additional:**  
Employment Screening  
Risk Management Audits

**These monthly HR Express Updates go out electronically to up to 2 contacts at each user. HR Alerts go out an additional 4-6 times a year with breaking news that affects businesses. For 1,000 businesses for example, that translates into nearly 36,000 contacts before they even ask questions.**

Microsoft Internet Explorer

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**Sample Policy**

Topic/Title:

Americans With Disabilities Act- Sample Policy (ADA)  
 Americans With Disabilities Act- Sample Policy (ADA)  
 Confidentiality and Office Privacy: Sample Policy  
 Disciplinary Procedure: Sample Policy  
 Dress Code: Sample Standards Policy  
 Drug & Alcohol Non-Tolerance: Sample Policy  
 Electronic Communications-Sample Acknowledgment Form  
 Electronic Mail and Voicemail Systems Use: Sample Policy  
 Employee Handbook- Sample Acknowledgement Form  
 Equal Employment Opportunity: Sample Policy Statement  
 Harassment policy- Sample Acknowledgement form  
 Harassment - Sample Policy  
 Outside Employment: Sample Policy  
 Personal Conduct: Sample Policy  
 Personal Use of Company/Organization Supplies/Services: Sample Policy  
 Privacy Policy- Sample Acknowledgement Form  
 Problem-Solving Procedures: Sample Policy  
 Promotional Gift/Kickback: Sample Policy  
 Short-Term Disability: Sample Policy  
 Solicitation by Employees: Sample Policy  
 Work Habits: Sample Policy  
 Workplace Violence - Sample Policy and Procedures:

Services

Employer HELPLINE

Privacy

Library

HR Express Updates

Employment Law Changes

State Law Changes

Sample Policies

Additional

Handbook Review

Onsite Training

Employment Screening

Risk Management Audits

Done

*We can post sample policies and content here from the master client as well, combining content and access to expertise!*

# *What have been the Commercial Successes of HELPLINE's Method & Technology?*

- High utilization rates
- Reduction in insurance claims costs
- Real – time data mining for decision making
- Driving down the cost of professional services

# *First Commercial Success... Utilization!*

- How is it defined?
- What is the industry standard?
- What has been our success?

# *Let's look at success as defined by actual usage, not "eyeballs" on a website!*

An insurance program serving cities, towns and municipalities in the Midwest:

- Cumulative utilization is 89%, representing nearly 30 times the industry standard of less than 3%
- Over a 3 year period, users called, e-mailed, and requested specific help from HELPLINE an average of 12 times each...

## *Other Utilization Successes...*

- A major Risk Retention Group and Insurance Company serving religious institutions each exceed 90% cumulative utilization.
- An insurance program serving the non-profit sector nationally exceeds 80% utilization.
- A recent Pool serving government entities just launched in June 2005 had over 60% utilization the first month!

# *Why is the successful use of HELPLINE services be important?*

- The more the company calls, the more proactive they become and the better they are as a risk...leading to lower losses and a greater marketing/branding impact for the financial services company.
- The result...retention of better risks in the financial service company's book of business!



# *Second commercial success...*

Reduction in claims costs hinges on  
success in utilization!

# *A 50% reduction in "loss costs"?*

How did we figure that out:

- We worked closely with the Financial Services client using 7 years of actual claims data
- We overlaid 4 years of actual call data
- We then tied calls into claims by looking at the actual claims issues, the reported year and actual calls issues
- *This greater than 50% reduction was only for those who filed claims...It didn't include the 83% who used the services & didn't file claims!*

***Total Projected Savings from  
HELPLINE intervention over the 4  
year study period for just one client...***

Preventative savings:

**\$ 1,857,000**

Proactive Savings:

**2,270,805**

***Total Projected savings:***

**\$4,127,805**

Fees to HELPLINE:

**(\$ 723,950)**

***Total Net savings:***

**\$3,403,855**

***Return on Investment: 470% over 4 years - 117%/yr***

# How does HELPLINE success compare to the industry...

## A comparative model!

### Industry Standard Loss Control:

# Policyholders	Claims Frequency		Service		Average		Claims Expense		Reduction Rate		Savings	
	Rate		Utilization Rate		Claims Expense		Reduction Rate					
5000	20%		3%		\$25,000		10%				\$ 75,000	
5000	20%		3%		\$25,000		25%				\$187,500	

### HELPLINE's Industry Leading Loss Control:

# Policyholders	Claims Frequency		Service		Average		Claims Expense		Reduction Rate		Savings	
	Rate		Utilization Rate		Claims Expense		Reduction Rate					
5000	20%		57.5%		\$25,000		10%				\$1,437,500	
5000	20%		57.5%		\$25,000		25%				\$3,593,750	

*HELPLINE has proven a greater than 50% reduction in losses*

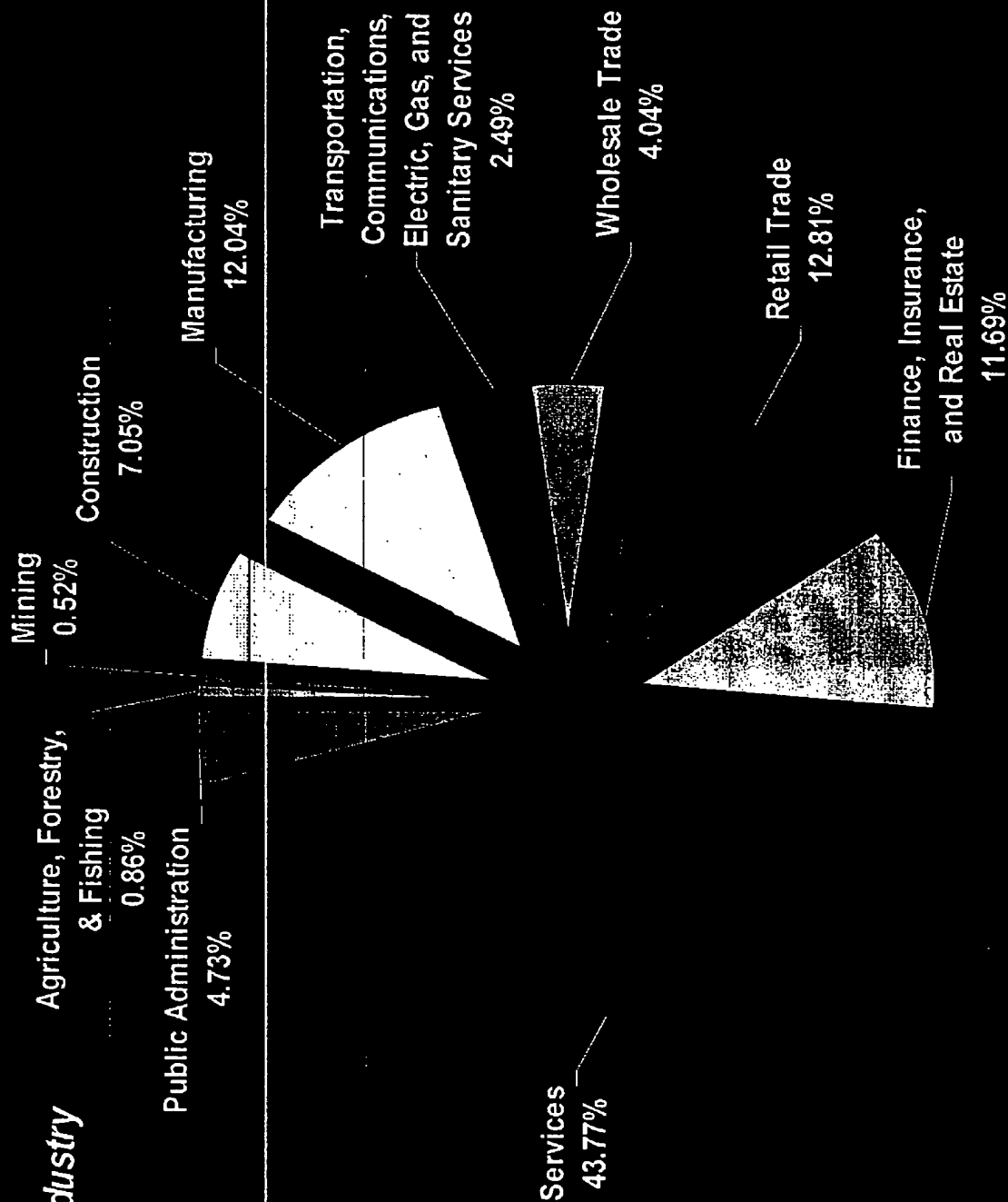
# *Third Commercial Success...*

## *Real time data mining!*

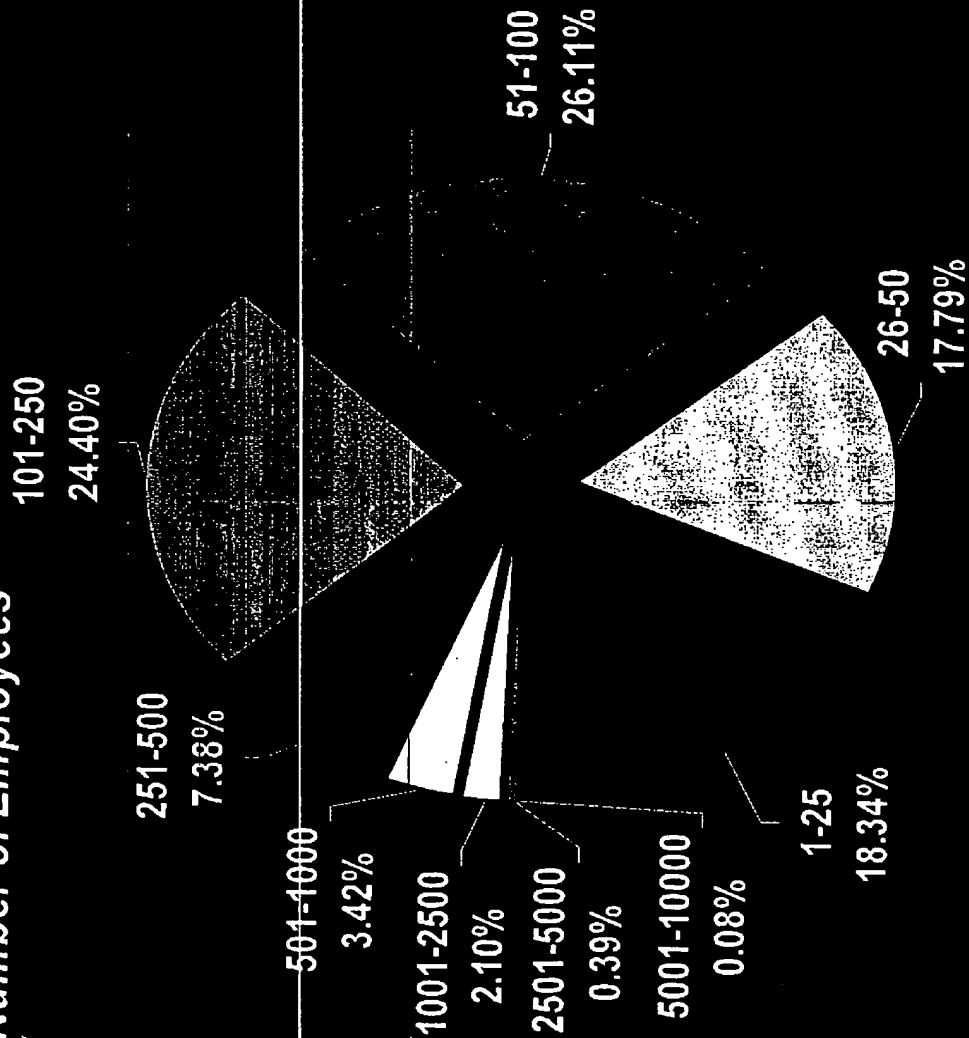
Our data is based upon actual calls, e-mails and requests for help, it is proactive (companies reaching out for help) and every call/e-mail is tagged by the experts!

The following slides give illustrative examples of the call data without revealing the identities of the users.

# *% of Clients by Industry*



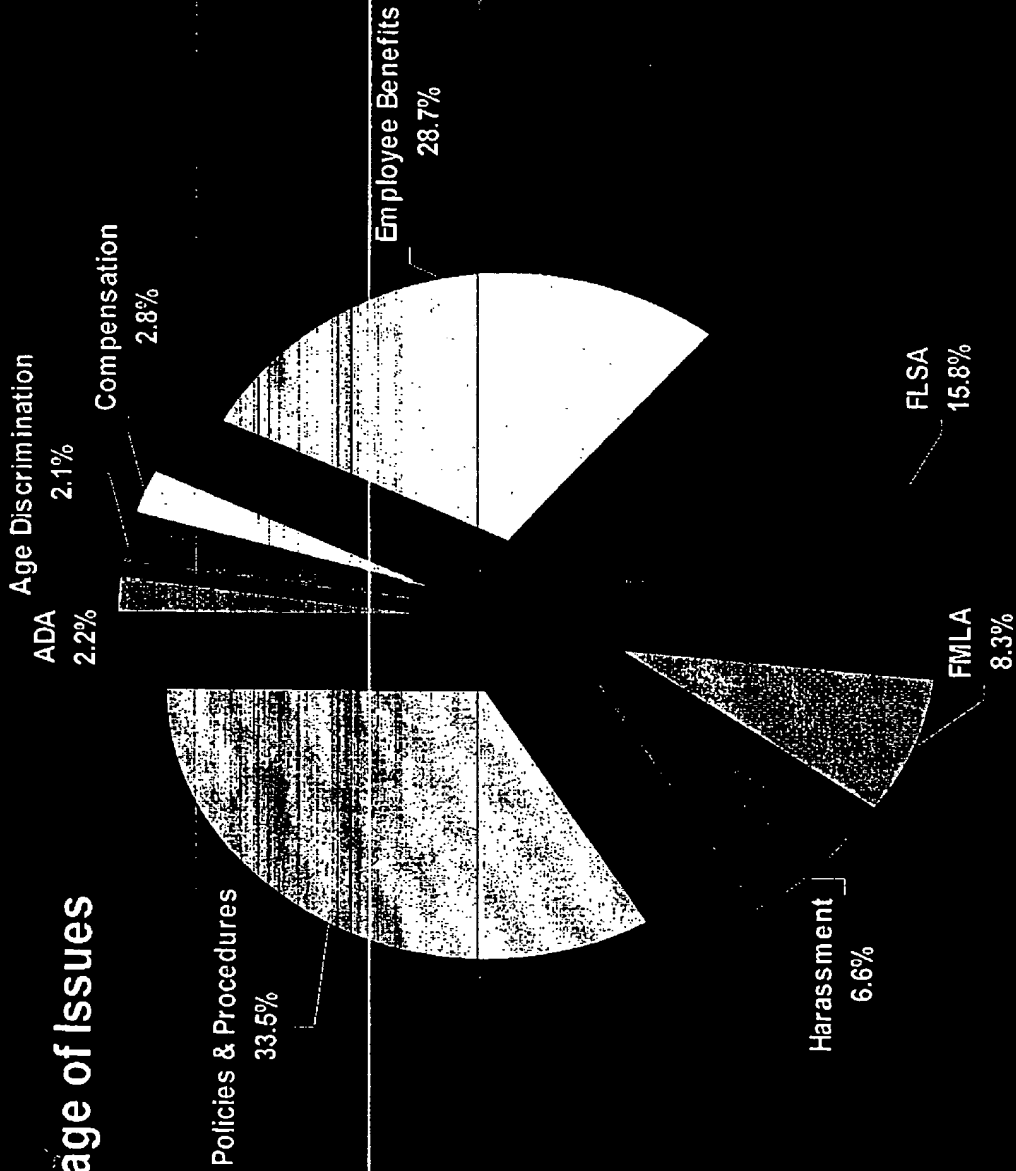
# % of Clients by Number of Employees



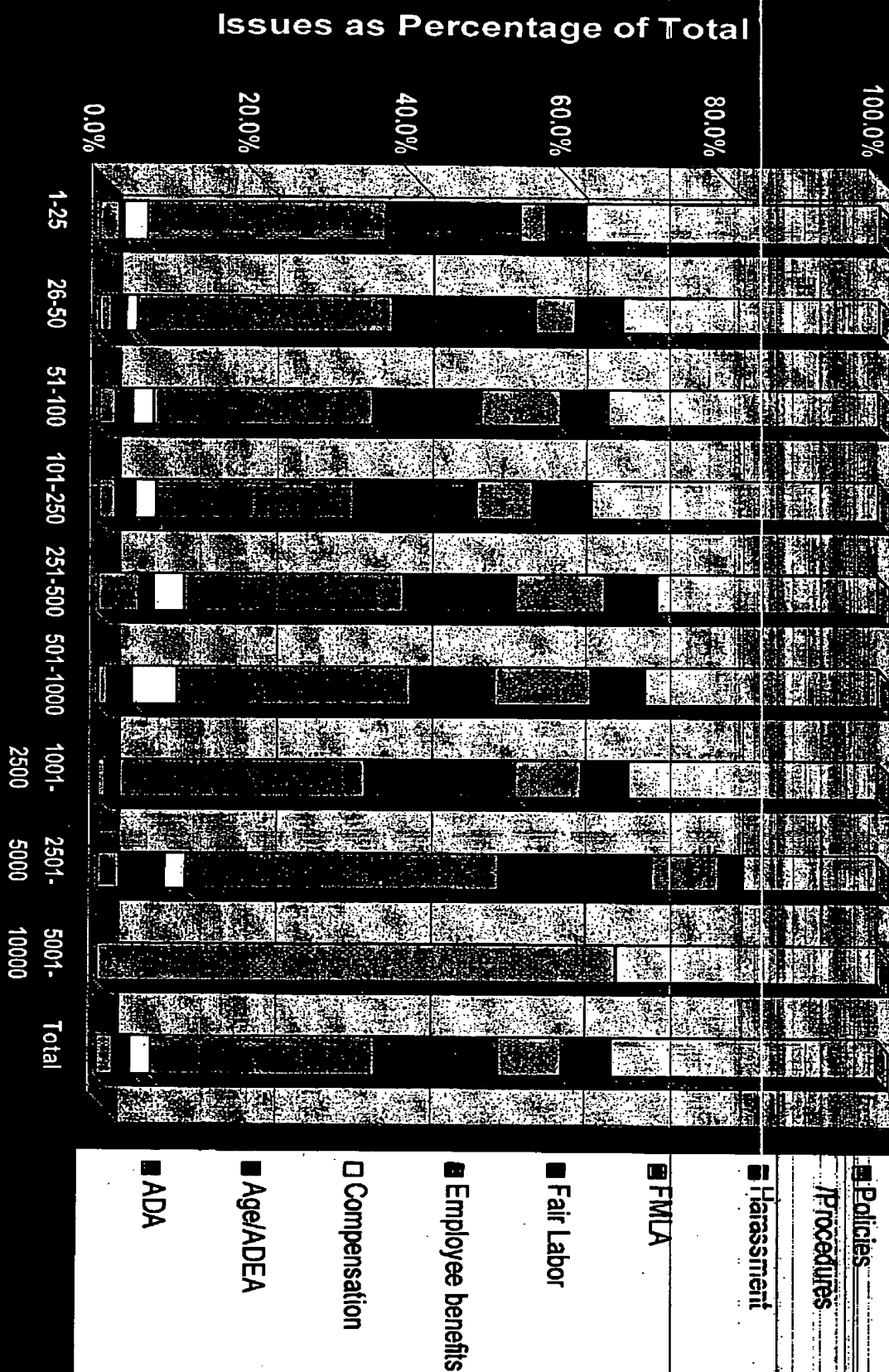


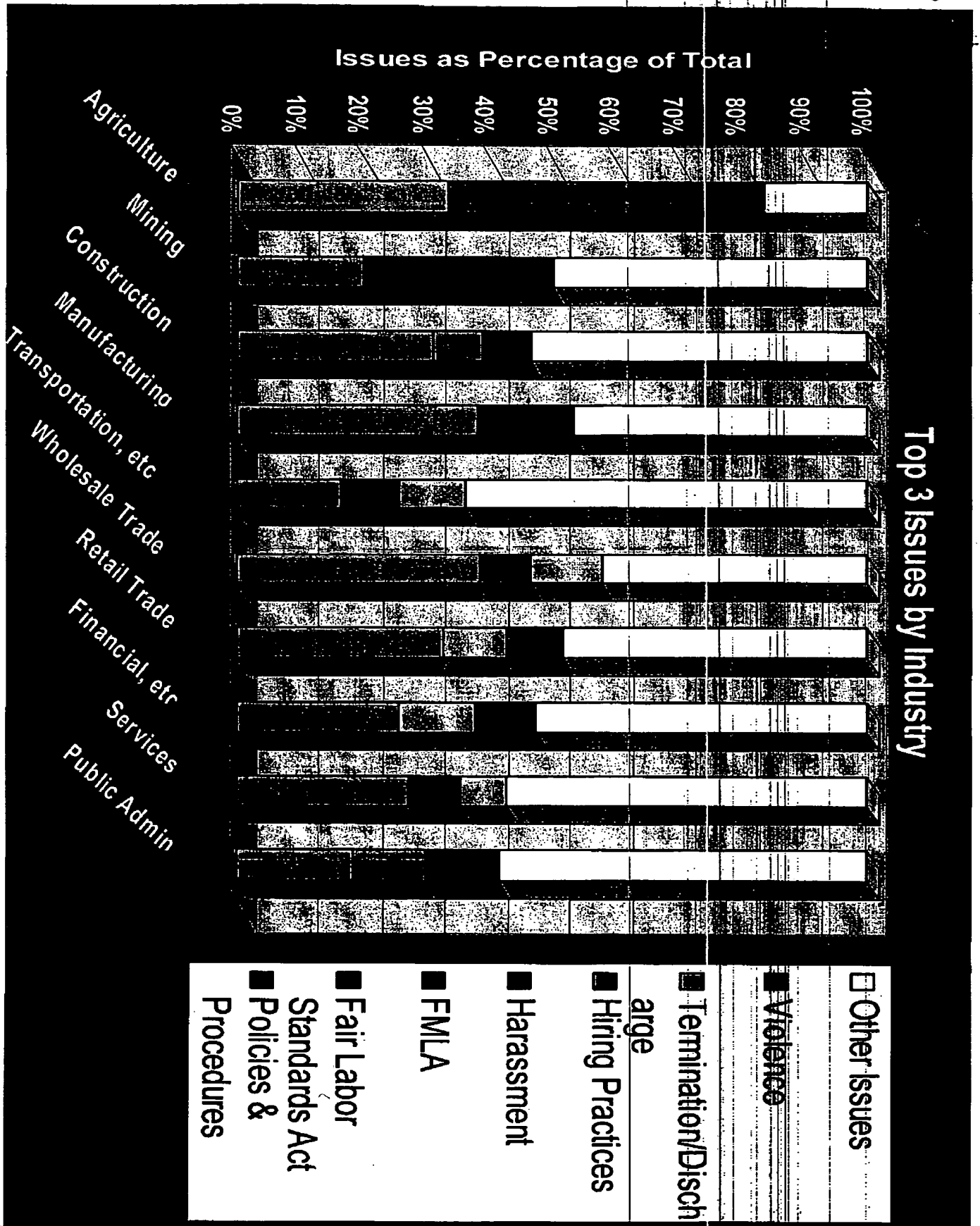


# Total Percentage of Issues



# Issues by Number of Employees





# *How this Real-Time/Dynamic Database Call Data is used?*

First off, keep in mind Database data can be correlated multiple ways including by issue, size, SIC/NAICS, state, etc....

- Underwriting
  - Adjust underwriting criteria based on proactive trends identified within Financial Service's book of business, in addition to the general market
- Pricing:
  - Analyze loss costs using Database data on Financial Service's client's book to rate and price risks by type
- Sales/Retention/Branding efforts:
  - Create and retain demand for Financial Service company's product/program by supplying your Association channel(s) with data, actual questions, and loss control materials to assist their marketing efforts, co-brand with Associations
- Targeted Loss Control coordinated with Claims
  - Cross reference our Database data (proactive) with claims data (reactive) to formulate even more focused loss control efforts
- Quantify the Loss Reductions Results.....

# Strategic Benefits success?

- **Branding/Differentiation/Marketing Support: Brand**

Awareness & product demand is created through *high-touch* services to users, one of our Financial Services Company clients conducted and independent e-mail survey of the services, there was an astounding 18.5% response rate (less than 5% is the norm). The results:

- **Success:** 89% brand awareness by users even though Financial Service company was selling through 2 channels under 3 different brands. **Success:** 70% of users rated services a 4 or better out of 5
- **Success:** Interventions by producers and Agents on behalf of companies
- Creates cross-selling (other products & services, again over 75% questions come in via website

# *Fourth Commercial Success...*

Driving down the cost of professional services  
through HELPLINE's:

- Relationship Management Business Method
- Database Technology
- Seamless access to Specialists' experts!!

# *HELPLINE's Successes!!*

- The method and the underlying technology is not obvious, no one else in the United States is doing this, thus the need for patent protection.
- Based upon these 4 commercial successes previously outlined, HELPLINE expects to triple its business from 2005 to 2006!!

*Any Questions?*



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